



## City of Libby

952 E. Spruce St.  
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Libby, Montana 59923

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Rec'd 3/10/11

Dear Ms. Thomas:

I am in receipt of your letter dated February 28, 2011 with its enclosed Consent For Access To Property. As you are aware from attending our City Council meeting on Tuesday, March 8, 2011 the members of the Council and I are somewhat taken-aback by the sudden nature of the demand. We are also somewhat reluctant to give the EPA unfettered access to OU-1 without more firmly established parameters.

The Council is in support of moving forward with the remediation of OU-1 this year. Clearly the project is a needed economic catalyst for our community. We also believe that OU-1 should be handled with a clear frame of reference as it will be an important and visible first step in our working relationship. With that said, the City of Libby is formally requesting an extension to address your request for access to the site.

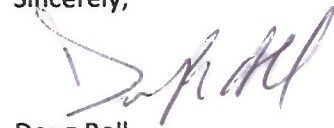
Our reasons for the request are several. Our engineering firm (WGM Group, Missoula Montana) believes it can have appropriate site recommendations for a preliminary grade plan, drainage and utility corridors completed sometime in mid-to-late April of this year. We feel it is important that this information is disseminated prior to the EPA starting its work as remediation can (and should) be done in tandem to insure that the most cost-effective and non-redundant methods are used to limit exposure to contamination to workers and the community.

We believe the following milestones should be met before the EPA begins work at OU-1.

1. As referenced above, a working agreement (which includes our engineering representatives) for cooperative development of OU-1. We would like a specific reference included in the 'consent to access' that refers to the agreed-upon plan of action. Included (but not limited to) in this agreement would be:
  - a. Preliminary drainage and grade plan;
  - b. Location and responsibility for utility corridors;
  - c. Road location and approach.
2. Additionally there should be written agreement between the City and EPA regarding (but not limited to):
  - a. Construction or modification of boat ramp(s);
  - b. Location and use of native vegetation.

If these milestones are completed, the Council intends to allow the EPA access to OU-1. We believe the small delay to allow our engineering work to be completed is in the best interest of everyone and sincerely hope the progress made here will pave the road to a better working relationship in the future.

Sincerely,

A handwritten signature in purple ink, appearing to read "Doug Roll", is written over the printed name.

Doug Roll

Mayor